

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 13,925

)

Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare closing her ANFC grant. The issue is whether the father of one of the petitioner's children must be included in the petitioner's ANFC household, and whether his income must be included in calculating the household's eligibility for benefits.

FINDINGS OF FACT

The facts are not in dispute. The petitioner lives with her two children and the father of one of the children. Prior to September, 1995, the father received SSI disability benefits. Based on the Department's regulations (see infra) the petitioner received ANFC benefits for herself and her two children. The father was not considered a part of the petitioner's ANFC household and his income was not considered in determining the household's eligibility for ANFC benefits.

As of October 1, 1995, the father's SSI was terminated when he became eligible for Social Security benefits for himself and his daughter totaling \$1,070.00 a month. The Department terminated the petitioner's ANFC as of October 1, 1995, because of its determination that the termination of the father's SSI required him to be included in the petitioner's ANFC household, and his income placed the household above the ANFC income maximum. The petitioner concedes that the father's income is well in excess of the ANFC maximum.

ORDER

The Department's decision is affirmed.

REASONS

Welfare Assistance Manual (W.A.M.) § 2242 includes the following provisions:

The parent(s) of each and every child included in the ANFC assistance group must . . . be included in the

ANFC assistance group if he or she lives in the home with the children.

. . .

The assistance group shall not include an individual receiving benefits under the SSI/AABD Program. Income and resources of a SSI/AABD recipient shall be excluded from consideration in determining income and resources for the ANFC group.

Under this regulation, receipt of SSI benefits is the only exception to the rule that all parents who live in the same home as an ANFC eligible child must be included in the ANFC assistance group. Inasmuch as the Department's decision in this matter is in accord with the above regulation the Board is bound by law to affirm it. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 19.